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9 **UNITED STATES DISTRICT COURT**

10 **DISTRICT OF NEVADA**

11 **SPRINGLAND VILLAGE HOMEOWNERS**
12 **ASSOCIATION, a Nevada Non-Profit**
Cooperative Corporation,

13 **Plaintiff,**

14 **v.**

15 **JENNIE M. PEARMAN, et al.,**

16 **Defendants.**

17

FEDERAL NATIONAL MORTGAGE
18 **ASSOCIATION,**

19 **Plaintiff,**

20 **v.**

21 **DWIGHT CARLSON AS TRUSTEE FOR**
22 **PYRAMID TRIBE TR-116,**

23 **Defendant.**

24 *And Related Counterclaims.*

Lead Case No.: 3:16-cv-00423-MMD-WGC

Member Case No. 3:16-cv-00520-MMD-WGC

25 **STIPULATION AND ORDER TO SET**
26 **ASIDE DISMISSAL WITHOUT**
27 **PREJUDICE**

28 Defendant in the Lead Case FEDERAL NATIONAL MORTGAGE ASSOCIATION
("Fannie Mae") and Plaintiff in the Lead Case SPRINGLAND VILLAGE HOMEOWNERS
ASSOCIATION ("Springland"), by and through their respective attorneys of record, hereby

1 stipulate and agree as follows:

2 1. The Lead Case is an interpleader action originally filed in the Second Judicial
3 District Court of Nevada (Washoe County) on May 11, 2016, which seeks to disburse surplus
4 proceeds from an NRS 116 foreclosure sale of the real property located at 2402 Sunny Slope Drive,
5 Unit 9, Sparks, Nevada 89434 (the "Property") occurring on or about January 22, 2016 (hereinafter
6 the "Lead Interpleader Case").

7 2. Fannie Mae removed the Lead Interpleader Case to this Court on July 15, 2016
8 based on Fannie Mae's charter and the Ninth Circuit decision in *Lightfoot v. Cendant Mortgage*
9 *Corporation*, 769 F.3d 681, 682 (9th Cir. 2014). (See Lead Case ECF No. 1).

10 3. Prior to removal of the Lead Interpleader Case, Springland duly served the
11 following named defendants in the Washoe County action as follows: a.) John J. Pearman as
12 Trustee of the Jennie M. Pearman Revocable Living Trust Dated July 28, 2004 ("John Pearman"),
13 on June 25, 2016; b.) Dawn Young as Trustee of the Jennie M. Pearman Revocable Living Trust
14 Dated July 28, 2004 ("Dawn Young"), on June 27, 2016; c.) Shelly Pearman, individually on June
15 25, 2016, and as Trustee of the Jennie M. Pearman Revocable Living Trust Dated July 28, 2004
16 ("Shelly Pearman"), on June 27, 2016; and d.) Federal Deposit Insurance Corporation ("FDIC")
17 on July 21, 2016. See the returned Summonses and Affidavits of Service as to the above-named
18 defendants attached hereto as Exhibit "1"- "4", respectively, and which were filed in the Washoe
19 County action on July 15, 2016, and as to FDIC on July 26, 2016.

21 4. Prior to removal of the Lead Interpleader Case, Springland obtained an Order from
22 the Court in the Washoe County case to serve defendant Jennie M. Pearman as Trustee of the
23 Jennie M. Pearman Revocable Living Trust Dated July 28, 2004 ("Jennie Pearman"), via
24 publication. See Order to serve by publication filed June 16, 2016 attached hereto as Exhibit "5".
25 Service by publication was completed in accord with the Washoe County Court's Order, and Proof
26 of Publication was filed on July 15, 2016 in the Washoe County action. See Exhibit "6" attached
27 hereto.
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1 5. None of the Summonses and Affidavits of Service or the Proof Publication were
2 subsequently filed in the Lead Interpleader case before this Court after removal from Washoe
3 County.

4 6. Also, the Summonses and Affidavits of Service or the Proof of Publication in the
5 Lead Interpleader Case were not filed following this Court's Notice Regarding Intention to
6 Dismiss Pursuant to Rule 4(m) of the Federal Rules of Civil Procedure filed September 20, 2017
7 ("Notice" - ECF No. 31). As a result, the Court entered its Order dismissing the defendants
8 identified herein without prejudice on November 2, 2017 ("Order of Dismissal without Prejudice"
9 ECF No. 32).

10 7. Springland and Fannie Mae ***STIPULATE AND AGREE***, and it is
11 ***RESPECTFULLY REQUESTED***, that the Court's November 2, 2017 Order of Dismissal without
12 Prejudice be set aside pursuant as to defendants John Pearman, Dawn Young, Shelly Pearman,
13 FDIC, and Jennie Pearman ("Dismissed Interpleader Defendants"). All these Dismissed
14 Interpleader Defendants were duly served within the required time from the filing of the Complaint
15 in Interpleader on May 11, 2016 in the Washoe County action. Springland, however, inadvertently
16 did not file the Summonses and Affidavits of Service and Proof of Publication in the Lead
17 Interpleader Case following removal to this Court of the Washoe County action or following this
18 Court's Notice, and only filed the Summonses and Affidavits of Service and Proof of Publication
19 in the Washoe County action.

20 8. Simultaneously or immediately following the filing of this Stipulation, Springland
21 and Fannie Mae intend to file a Stipulation to remand the Lead Interpleader Case *only* back to
22 Washoe County in order to complete Springland's action to interplead and/or disburse the surplus
23 proceeds in accord with Nevada law. In order to obtain a proper and complete order for interpleader
24 and/or disbursement of the surplus funds under Nevada law as to all parties who were named in
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1 Washoe County action, the Order of Dismissal without Prejudice of the Dismissed Interpleader
2 Defendants should be set aside.

3 **IT IS SO STIPULATED AND AGREED.**

4 DATED this 19th day of July 2018.

5 ***ALDRIDGE PITE, LLP***

6 /s/ Jory C. Garabedian, Esq.

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15 *Federal National Mortgage Association*

DATED this 19th day of July 2018.

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12 **ORDER**

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14 Based upon the foregoing Stipulation between Fannie Mae and Springland, and good cause
15 appearing:

16 1. The Defendants John J. Pearman as Trustee of the Jennie M. Pearman Revocable
17 Living Trust Dated July 28, 2004 ("John Pearman"); Dawn Young as Trustee of the Jennie M.
18 Pearman Revocable Living Trust Dated July 28, 2004 ("Dawn Young"); Shelly Pearman,
19 individually on June 25, 2016, and as Trustee of the Jennie M. Pearman Revocable Living Trust
20 Dated July 28, 2004 ("Shelly Pearman"); Federal Deposit Insurance Corporation ("FDIC"); and
21 Jennie M. Pearman as Trustee of the Jennie M. Pearman Revocable Living Trust Dated July 28,
22 2004 ("Jennie Pearman") (hereinafter, collectively, the "Dismissed Interpleader Defendants")
23 were all duly served in the Washoe County interpleader action.

24 2. The Summonses and Affidavits of Service and the Proof of Publication as to the
25 Dismissed Interpleader Defendants were filed in the Washoe County action but were inadvertently
26 not filed with this Court following removal of the Lead Interpleader Case or following this Court's
27 Notice Regarding Intention to Dismiss Pursuant to Rule 4(m) of the Federal Rules of Civil
28 Procedure filed September 20, 2017 ("Notice" - ECF No. 31).

1 3. The Dismissed Interpleader Defendants were served within the required time after
2 the interpleader Complaint was filed in the Washoe County action on May 11, 2016, and the
3 appropriate proof of service and/or publication has now been provided to this Court with the
4 parties' Stipulation.

5 4. ***THEREFORE, IT IS HEREBY ORDERED*** that the Court's Order dismissing the
6 Dismissed Interpleader Defendants without prejudice on November 2, 2017 ("Order of Dismissal
7 without Prejudice" ECF No. 32) be set aside for Springland, upon remand, to proceed with its
8 action originally filed in Washoe County to interplead and/or disburse the surplus proceeds in
9 accord with Nevada law.

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11 **IT IS SO ORDERED.**

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14 DISTRICT COURT JUDGE

15 Dated: July 23, 2018
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